

APPEAL NO. 010248

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 16, 2001. The hearing officer held that the appellant (claimant) did not sustain an injury on \_\_\_\_\_, or have disability from the claimed injury. The claimed injury was an aggravation of an earlier hand injury of \_\_\_\_\_.

The claimant appeals by arguing evidence that he feels supports a finding of a soft tissue aggravation. The respondent (carrier) responds with facts that support the hearing officer's decision.

DECISION

We affirm the hearing officer's decision.

The hearing officer did not err in finding that the claimant's current conditions did not result from a new injury. There was conflicting evidence in that the claimant's doctor supported the occurrence of a new injury, but was also actively treating the claimant's earlier hand condition up to a week before the asserted new injury. The claimant had been certified to have reached maximum medical improvement, so no further income benefits were due from the earlier hand injury. Because there was no new injury found by the hearing officer, there was no error in finding that the claimant did not have disability.

The decision of the hearing officer will be set aside only if the evidence supporting the hearing officer's determination is so weak or against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ ref'd n.r.e.). We cannot agree that this is the case here, and affirm the decision and order.

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge